

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Aleksandr Dmitrievich Kirilichev,

Petitioner,

v.

Albatros Ltd.,

Respondent.

Case No. 2:16-cv-00978-RAJ

PETITIONER'S MOTION FOR ENTRY OF
DEFAULT

Noting date: November 11, 2016

**TO: Clerk of the United States District Court,
Western District of Washington at Seattle**

Petitioner Aleksandr Dmitrievich Kirilichev hereby moves the Clerk of Court to enter default against Defendant Albatros Ltd. for failure to plead or otherwise respond to Petitioner's Petition. This Request is based on Federal Rule of Civil Procedure 55(a), W.D. Wash. Local Civil Rule 55(a) and the Declaration of Todd M. Hinnen in Support of Plaintiff's Motion for Entry of Default ("Hinnen Decl."), filed herewith.

On September 1, 2016, Petitioner filed a Motion to Allow Service by Mail under Fed. R. Civ. P. 4(h)(1) and RCW 23.95.450 because neither Respondent's president nor its registered agent could with reasonable diligence be served. *See* Dkt. 5. The Court granted Petitioner's Motion to Allow Service by Mail on September 21, 2016, and permitted Petitioner to "serve Respondent by registered or certified mail, return receipt requested, or by similar commercial

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Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 delivery service, addressed to Respondent at Respondent's principal office, as shown in
 2 Respondent's most recent annual report filed by the Secretary of State." *See* Dkt. 8.

3 Petitioner served Respondent at its principal place of business on September 26, 2016. *See*
 4 Hinnen Decl. ¶¶ 5-6 and Exs. A-C (showing that the summons, petition, and accompanying
 5 documents were sent by certified mail to Respondent's principal place of business on September
 6 20, 2016, and received the following day); *see also* Fed. R. Civ. P. 4(h)(1) and RCW 23.95.450
 7 (providing that service by mail is deemed effected five days after deposit with the United States
 8 postal service).

9 Under Federal Rule of Civil Procedure 12(a)(1)(A)(i) and 9 U.S.C. § 6, Respondent was
 10 required to appear and answer or otherwise respond to the Petition within 21 days of the date of
 11 service. Thus, the time for answering the Petition elapsed on October 17, 2016. Respondent has
 12 not appeared, answered, or in any way made contact with Petitioner. *See* Hinnen Decl. ¶ 6.

13 Accordingly, Petitioner respectfully requests that the Clerk of the Court enter default. A
 14 proposed order for entry of default accompanies this motion.

15 RESPECTFULLY SUBMITTED this 11 day of November, 2016.

17 By: s/ Todd M. Hinnen

18 Todd M. Hinnen #27176

19 **Perkins Coie LLP**

1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099

20 Telephone: 206.359.8000

Facsimile: 206.359.9000

21 Email: THinnen@perkinscoie.com

22 Attorneys for Aleksandr Dmitrievich Kirilichev

CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2016 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and that I have mailed by United States Postal Service the document to the following entities:

Albatros Ltd.
C/O Gueorgui Halatchev-Halberg
533 157th Ave SE
Bellevue, WA 98008

Albatros Ltd.
C/O Gueorgui Halatchev-Halberg
3046 177th Ave NE
Redmond WA 98052

I certify under penalty of perjury that the foregoing is true and correct.

Dated: November 11, 2016

By: s/ Todd M. Hinnen
Todd M. Hinnen #27176
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
Email: THinnen@perkinscoie.com

Attorneys for Aleksandr Dmitrievich Kirilichev